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Chapter 18: Genocide & State Sponsored Killing

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Abstract

The chapter gives an account of genocide, linking this with the wider phenomenon of state sponsored killing. Firstly some of the key dimensions of genocide in legal and extra-legal scholarship are introduced, identifying points where differing interpretations of the crime emerge. The prevalence and distribution of genocide is examined in terms of a snapshot of the current situation, historical surveys and attempts to calculate the number dying in state sponsored killings. An account of different ways of thinking about victims and perpetrators leads in to a summary of explanatory frameworks, concluding with recent attempts to create multi-level, integrated explanations for genocide. Finally, the record of preventive action since 1948 is examined, suggesting some reasons for changes in the willingness to intervene during, or to prosecute after, genocidal episodes.

Key words: Genocide, Intent, Groups, State, Individual, International, Law, Social and Political Science, History

Among the grievous crimes this Tribunal has the duty to punish, the crime of genocide is singled out for special condemnation and opprobrium. The crime is horrific in its scope; its perpetrators identify entire human groups for extinction. Those who devise and implement genocide seek to deprive humanity of the manifold richness its nationalities, races, ethnicities and religions provide. This is a crime against all of humankind, its harm being felt not only by the group targeted for destruction, but by all of humanity.

Prosecutor v Krstić 2004, paragraph 36

While the human death in homicide is clear, the 'death' of a group is more ill-defined. Genocide differs from many other acts of homicide in this book in that killing is not a necessary element of the crime: preventing births or creating conditions in which a group cannot sustain itself would suffice. The word genocide, coined to define the widespread extermination of Jews and attacks on other groups in World War Two, draws political and emotional charge from its origins. Outside the courtroom the word carries "unmatched rhetorical power" (Kirsch 2013, 8), while courts declare the need for special condemnation (above). In this chapter, the meaning ascribed to genocide, generally a form of state-sponsored killing but not the only form in that category¹, is explored through law and other disciplines which treat it as a social or political phenomenon. The chapter analyzes ways of measuring the prevalence of genocide, recognizing that given differing interpretations of the concept, this will always be open to contestation. A brief account of victim groups, perpetrators and contexts is given and feeds into a section on explanations of how and why genocide happens. Finally, the chapter examines responses to genocide and the threat of genocide since the introduction of an international convention in 1948.

¹ A number of forms of state sponsored killings exist short of genocide, ranging from individual assassinations through to mass killings that do not fit all the required elements of the crime.

Deconstructing genocide

The term genocide is employed in a range of contexts. Firstly, in international criminal law; secondly, a broad area of scholarship, including political science, history and sociology, utilizes the term, developing it through analysis of empirical material; thirdly, the term may be employed in political, moral and lay discourse. Here I start by identifying the basic legal definition of genocide and interpretive issues around it. Subsequently, I examine employment of the term in social sciences including history.

Genocide and law

In 1946, two years after the term was created by Raphael Lemkin, genocide was recognized as a crime by the UN. Subsequently, in 1948 the *Convention on the Prevention and Punishment of Genocide* was adopted by the UN. The definition of genocide in Article 2 forms the basis of those of the ad hoc tribunals for the former Yugoslavia and Rwanda, the international criminal court and definitions of genocide in domestic jurisdictions².

² Individual states differ in terms of how they define genocide. Ethiopia, for example, went beyond the Convention to include attacks on political groups (see Tiba 2007, 517, fn 12).

Box 1 1948 Convention on the Prevention and Punishment of Genocide, Article 2

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Acts listed in article 2(a) through to article 2(e) may be covered by existing criminal law concerning homicide, assault, kidnapping and other offences. Genocide is first and foremost defined not by the individual acts, but by the preceding text on group destruction. Here, this is broken down in terms of the purpose (*intent to destroy*), the extent (*in whole or in part*), and the nature of collectives (*a national, ethnical, racial or religious group, as such*).

Intent to destroy

Genocide requires two levels of intentionality. Firstly, any of the acts covered by Article 2 (a) through (e) must be committed with a clear intent to kill, cause serious harm, prevent births and so on. Secondly, acts must be committed with the intent, referred to as *special or specific intent*, that they are not only completed, but they make a contribution to group

destruction³. While there may be occasions when statements indicate such genocidal intent⁴, it may also be inferred from indirect evidence. The case against *Popović and others* gives examples. Not all determine intent on their own, but taken together support such a finding. They include sustained or repetitive action of a systematic nature, coordination, evidence of preparation, individual knowledge of a plan, and use of discriminatory and derogatory terms for victims⁵.

Behrens (2012, 509) offers an analysis of the relationship between intent and motive in genocide, one of the most hotly debated issues in the field. He notes that mainstream thinking in international tribunals goes beyond understanding intent as evident in a suspect's awareness of a campaign or risk leading to destruction, but includes a volitional element closer to motive (the underlying individual purpose of an offender). This fits with Greenwalt's interpretation of a narrow reading of special intent as purposive (1999, 2279 ff.). He argues for a broader reading, where intent is based on an offender's knowledge of the destructive goals or effects of a set of actions in which he or she participates (1999, 2288). Behrens concludes that the effect of the *Genocide Convention* is to translate "specific genocidal intent" into a "codified primary motive", in turn demanding particular evidence.

In whole or in part

Intent is defined in relation to destruction of a group in whole or in part, requiring courts to analyze, in quantitative and qualitative terms, when the intent to destroy part of a group constitutes genocide⁶. The quantitative dimension focuses on the extent of destruction in

³ *Prosecutor v Tolimir* 2012, paragraph 744.

⁴ See *Prosecutor v Karadžić*, Rule 98bis Appeal, 11 July 2013, 78, line 17ff.

⁵ *Prosecutor v Popović et al*, 2010, paragraphs 823, 830, 856-860 and 1177; on the importance of knowledge of a plan in the Eichmann conviction see also 2010, paragraphs 823, 830, 856-860 and 1177; on the importance of knowledge of a plan in the Eichmann conviction see also Schabas 2008, 962.

⁶ e.g. *Prosecutor v Blagojević and Jokić* 2005, 668.

absolute terms and in relation to the size of the group as a whole. The Rwandan tribunal judged that the numbers of Tutsi killed in individual communes, the widespread and systematic nature of killings, and the “undeniable scale” of massacres point towards “complete disappearance” of the victim group⁷. The frequently cited *Semanza* judgment makes it clear that there is no specific numeric threshold, but following *Kayishema* suggests that the part targeted for destruction must be “substantial”⁸.

Qualitatively, subsets of a population, defined by social position or function, are of special significance to group continuity. A key element of genocide as defined by Lemkin is the “destruction of the national pattern of the oppressed group” (1944, 79). Attacks on intellectuals and leadership who bear “national ideals” featured in German occupation of Poland, Bohemia-Moravia, and Slovenia (1944, 88-9). In *Krstić*, the trial chamber identified a campaign to kill all military-age Bosnian men in the Srebrenica enclave, evidenced by mass executions, a disregard for civilian or military status of those killed, and a “relentless” hunt for men trying to escape the area (2001, paragraph 546). In a patriarchal community, this was deemed to be of special significance and indicative of the intent to eliminate the Bosnian Muslim community in Srebrenica⁹.

The nature of the collective

Although genocide and homicide may overlap somewhat in individual killings of group members (Article 2(a)), the destruction of the collective gives genocide its specific meaning. The significance of the crime is rooted in the loss of the group felt at the level of humanity rather than the loss of any number of individuals (UNGA 1946). The groups protected by the

⁷ *Prosecutor v Akayesu* 1998, paragraphs 118, 704, 730.

⁸ *Prosecutor v Kayishema* 1999, paragraph 89; *Prosecutor v Semanza* 2003, paragraph 316.

⁹ *Prosecutor v Krstić* 2001, paragraphs 549-5; reiterated in *Prosecutor v Krstić* 2004, paragraph 19; see also Buss 2014 for a discussion of how women’s testimony was interpreted in relation to patriarchy.

convention are strictly limited under article 2 (“a national, ethnical, racial or religious group”). The definition of the group has been considered by the international tribunals¹⁰, but it is also worth considering what it means to intend to destroy a group *as a group*. In *Akayesu*, the chamber considered the possibility of expanding the range of groups covered, and in doing so identified a key dimension of ‘groupness’, the *stability* and *permanence* of a social formation¹¹. Judge Shahabuddeen, in an opinion attached to the *Krstić* appeal, goes further, and seeks to isolate the physical or biological form implied by the article 2 acts, from the intent with which these are carried out on a group which is more than physical or biological in its nature¹². He infers that groups can be destroyed in ways other than physically or biologically, undermining intangible characteristics which bind the group. While cautious about endorsing concepts of cultural genocide, he recognizes that attempts to destroy culture may be indicative of intent “to destroy the group as such”¹³. This by no means exhausts the ways in which provisions of the *Genocide Convention* and the subsequent statutes of international tribunals construct the concept of genocide, but taken together the understanding of intent, extent and the nature of collectives gives a firm starting point. These issues continue to inform scholarship in history and in the political and social sciences.

Genocide in historical, political science and social science scholarship

Although the meaning of genocide is not settled in the courtroom, as a term it is designed primarily for legal rather than historical purposes (Bloxham 2003, 189). In other disciplines, efforts to define the term proliferate and no single widely accepted definition exists

¹⁰ For instance in *Akayesu* (1998, paragraph 702) the court identified the Tutsi as a protected *ethnic* group on the basis of ethnic categorisation on Rwandan identity cards and on witnesses’ ready identification as Hutu or Tutsi when asked their ethnicity.

¹¹ *Ibid*, paragraph 701.

¹² *Prosecutor v Krstić* 2004, paragraph 48 ff.

¹³ *Ibid*, paragraph 53.

(Mennecke and Markusen 2003, 295). Jones (2006a: 15-18) gathers together definitions of genocide, partly replicated in table 1. They range from the short open statement from Henry Huttenbach (1988: 297), “any act that puts the very existence of a group in jeopardy,” to others which delineate the nature of the perpetrators, victims, acts, intentionality or relationship between victim and perpetrator. Some of these features follow the concerns of legal scholars, but show significant differences emerging within non-legal scholarship and between legal and non-legal scholarship. For example, while the interpretation of intent is still an open question in international criminal law, it remains an essential element of the crime. Jones’ sources range from those disregarding intent (Huttenbach, above) to a number identifying acts as deliberate, planned, intended or purposeful. There is variation in relating the intent to individual acts targeting victims on the basis of group membership, but without an overall aim of group destruction (Drost), or to the planned destruction or total murder of groups (Bauer, Chalk and Jonassohn, Katz).

Regarding victim groups, further differences emerge. Charny and Horowitz’s later work make no mention of a group, focusing on the scale of killing and respectively the defenselessness or innocence of victims. Others state that the target is a group or a collectivity, without further specifying (e.g. Drost, Fein), but this may be qualified as a minority (Dadrian, Horowitz’s earlier definition). A number specify the types of groups that are targeted, again with some specifying minority status. Various these include economic, gender, ethnic, national, political, racial, religious, sexual, social or tribal groups (e.g. Porter, Bauer, Katz). Finally, a number of authors note that what matters is how the collective is defined by the perpetrator (Chalk and Jonassohn, Katz).

Table 1: Definitions of genocide¹⁴

Author(s)	Definition
Bauer	The planned destruction, since the mid-nineteenth century, of a racial, national or ethnic group as such, by the following means: (a) selective mass murder of elites or parts of the population; (b) elimination of national (racial, ethnic) culture and religious life with the intent of 'denationalization'; (c) enslavement, with the same intent; (d) destruction of national (racial, ethnic) economic life, with the same intent; (e) biological decimation through the kidnapping of children, or the prevention of normal family life, with the same intent.
Chalk and Jonassohn	...one-sided mass killing in which a state or other authority intends to destroy a group, as that group and membership are defined in it by the perpetrator.
Charny	The mass killing of substantial numbers of human beings, when not in the course of military action against the military forces of an avowed enemy, under conditions of the essential defencelessness of the victim.
Dadrian	The successful attempt by a dominant group, vested with formal authority and/or with preponderant access to the overall resources of power, to reduce by coercion or lethal violence the number of a minority group whose ultimate extermination is held desirable and useful and whose respective vulnerability is a major factor contributing to the decision for genocide.
Drost	The deliberate destruction of individual human beings by reason of their membership of any human collectivity as such.
Fein	A sustained purposeful action by a perpetrator to physically destroy a collectivity directly or indirectly, through interdiction of the biological and social reproduction of group members, sustained regardless of the surrender or lack of threat offered by the victim.
Horowitz 1976	A structural and systematic destruction of innocent people by a state bureaucratic apparatus... a systematic effort over time to liquidate a national population, usually a minority...[functioning as] a fundamental political policy to assure conformity and participation of the citizenry.
Horowitz 1996	A structural and systematic destruction of innocent people by a state bureaucratic apparatus... the physical dismemberment and liquidation of people on large scales, an attempt by those who rule to achieve the total elimination of a subject people.
Huttenbach	Genocide is any act that puts the very existence of a group in jeopardy.
Katz	The actualization of the intent, however successfully carried out, to murder in its totality any national, ethnic, racial, religious, political, social, gender or economic group, as these groups are defined by the perpetrator, by whatever means.
Porter	The deliberate destruction, in whole or in part, by a government or its agents, of a racial, sexual, religious, tribal or political minority. It can involve not only mass murder, but also starvation, forced deportation, and political, economic and biological subjugation. Genocide involves three major components: ideology, technology and bureaucracy/organization.

¹⁴ Extracted from Jones 2006a, 15-18.

As the legal definition of genocide shapes prosecutorial and defense strategies, and decisions on guilt, definitions employed in historical, social science and political scholarship impact upon analyses. Through the various features included, episodes are defined in or out of the genocide category. If the target group must be a minority, the 1972 mass killing of the Hutu majority by the Tutsi-dominated army in Burundi is excluded. Yet Lemarchand and Martin described the events as “systematic”, composed of a mixture of indiscriminate killings of Hutu along with particular elite groups (1974, 15), and ultimately leading to the aim of “the physical liquidation of nearly every educated or semi-educated Hutu” (1974: 18).

Different rationales inform working definitions of genocide. Bauer values fidelity to the linguistic origins of the term, particularly as categories such as ethnicity, race or nationality offer little theoretical avenue of escape (1999: 35). Yet the perpetrator’s power to define group membership equally denies a lack of escape (e.g. Chalk and Jonassohn 1990).

Campbell includes a limited number of elements in his definition and provides a framework allowing for variation and contradiction in genocidal episodes. For him, the ideal-typical genocide is “unilateral, ethnically-based mass killing” (2011, 589). His explanation focuses on differences in the intensiveness, the proportion of the target group killed, and scope, the temporal and geographical extent of killing. He associates the intensiveness of killing with the mobility of victim groups (2011, 592). In Bosnia, where transfer of Bosnian Muslims to government territory was possible, genocidal killing was more selective. The Srebrenica massacres of July 1995 concentrated on men, while women along with elderly and younger community members were expelled (2011, 592-3). The Holocaust shows variation over time, with expulsion and concentration of the Jewish population in early stages shifting towards extermination as options for separation became limited (Bloxham 2010). Campbell further

associates scope with inequalities in organization between perpetrators and victims (2011, 593). By providing categorical flexibility, implied by ideal types, or by including associated phenomena in analysis¹⁵, scholars recognize that genocide stands at the extreme end of a continuum of collective violence. Ultimately, definitions are working tools and are formulated in line with research goals and questions, shifting as these develop.

Prevalence and distribution of genocide

Kuper suggests that genocide is “all too common” (1981, 9). Yet absent a formal body to investigate charges of genocide in 1981, he acknowledged problems with measurement. While homicides are measured through records held in national law enforcement agencies, there is no comparable system for reported genocides or other international crimes. A number of alternative approaches exist. The most simple might be a snapshot of ongoing genocidal processes. Genocide Watch (2014) currently list eleven countries that have reached the exterminatory phase¹⁶ of genocide (see table 2). A narrow interpretation reduces this to four or five involving a group or groups within the protected categories under the 1948 convention, and adds a recent ‘alert’ on the Central African Republic, where Genocide Watch identify exterminatory attacks by both Christian and Muslim forces.

¹⁵ See, for example, Fein 1990, 18, on including more sporadic ‘genocidal massacres’ alongside genocides.

¹⁶ Extermination is stage 9 of a ten stage process, the final stage being denial of a genocide.

Table 2: Genocide Watch countries at exterminatory phase of genocide, October 2014¹⁷

Country	Victim group(s)
Burma/Myanmar	Shan, Kachin, Karen, Rohingya
Central African Republic	Muslims, Christians
Iraq	Kurds, Shia, Sunni, Christians, Yazidis
Nigeria (Borno)	Christians
Somalia	Opposing clans
Sudan	Darfurese, Abyei, Nuba
Afghanistan	Government supporters
Ethiopia	Government opponents
North Korea	Government opponents
Pakistan	Government supporters
South Sudan	Civilians, women, children
Syria	Anti-government rebels

Harff and Gurr (1988; 1989) provide a historical survey of the period for 1945 through to 1988, subsequently reanalyzed by Fein (1993). This illustrates changes in the distribution and prevalence of genocide. Fein groups episodes as genocides and other state-sponsored massacres, and lists 16 genocides, some contained within one or two years, and others running across two or three decades¹⁸.

¹⁷ Shading indicates a victim group not covered by the 1948 convention.

¹⁸ On the latter, attacks against multiple nationalities in the USSR between 1943 and 1968 and attacks on the Ache in Paraguay in the 1960s and 1970s.

Table 3: Genocides 1945-1988, Fein (1993) after Harff and Gurr

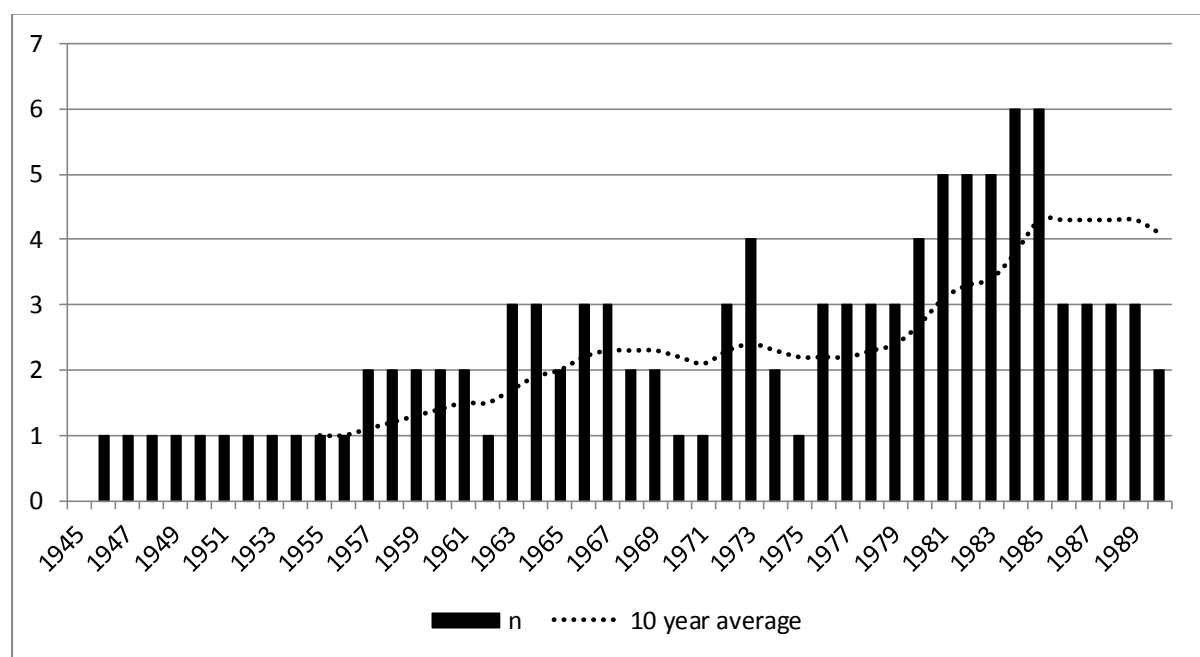
Country	Victim group(s)	Period
Burundi	Hutu	1972-3
Ethiopia	Tigris/Eritrea	1983-4
Rwanda	Tutsi	1962-3
Uganda (1)	Multiple	1971-9
Uganda (2)	Multiple	1979-86
Afghanistan	Afghans	1980-9
Cambodia	Minorities, Khmer	1975-9
China	Tibetans	1956-60
Indonesia (1)	Communists, Chinese	1965-6
Indonesia (2)	East Timorese	1975-99 ¹⁹
Pakistan	Bengalis	1971-2
Guatemala	Mayan tribes	1980-84
USSR	7 nationalities	1943-68
Paraguay	Ache	1960s and 1970s
Iran	Baha'is	1979-84
Iraq	Kurds	1987-8

Fein's list shows a number of things. Firstly there is not one year between 1945 and 1988 without at least one government involved in genocide. The peak value is 6, and occurs in both 1983 and 1984. The data shows a general upward trend (figure 1), supporting Greenfield's claim that genocide has become more common since the convention (2008, 923). To Fein's list, we might add another 17 governments listed by Charny for genocides against indigenous people in the same period (1999, 350, derived from table 1). Harff and Gurr suggest a 'typical year' during the period would feature six episodes of politicide or genocidal violence. As evident from table 2, the since 1988 multiple genocidal processes continue to unfold. In terms of distribution, the events cover most continents, the exclusion

¹⁹ The situation was resolved in 1999 with a UN sponsored peacekeeping mission.

being Australasia²⁰. Finally, it is worth noting that there are certain countries that appear repeatedly²¹.

Figure 1: Governments involved in genocides 1945-1988, Fein (1993) after Harff and Gurr



Rather than counting episodes, some estimate the numbers dying from organized state violence. Harff and Gurr (1988, 370) cautiously suggest that, since 1945, genocides and politicides combined probably cost as many lives as “all organized combat”. Reanalyzing their data, Fein (1993, 81) suggests that the figure may be as much as double that of wars and natural disasters. Rudolph Rummel estimates state-sponsored killings. He identifies the 20th century as a period in which states have developed greater capacity to act arbitrarily towards their own and other populations, and introduces the terms megamurder, the killing of more than one million, and democide, encompassing genocide, politicide and mass-murder (1992, 47). He claims democide accounted for nearly 151 million deaths between

²⁰ But on a ‘continuing genocide’ against indigenous Australians, see Short (2010).

²¹ Uganda and Indonesia (and going back to Harff and Gurr’s original list, the USSR which is listed for three separate episodes, 1989, 26, table 1).

1900 and 1987, and that 11 megamurderers account for over 142 million deaths, of which 86 per cent took place in states with absolute power (1992, 48). His argument that democracy is a bulwark against genocide is supported by the selection of countries in tables 2 and 3.

The snapshot, historical survey, and efforts to quantify the number of victims reflect different ways of understanding the impact of genocide and other mass killing. The first two fit with a focus on the lost contribution of a group to humanity. The latter is closer to homicide, albeit on a massive scale. The focus on the period from 1945 onwards makes sense in terms of when the concept of genocide was introduced, and also gives a sense of modern genocides directed by states at their own citizens. This form is apparent earlier in the 20th century in the genocide of Armenians in 1915 (Bloxham 2003). It nonetheless hides different forms of genocide from ancient and colonial periods (Chalk and Jonassohn 1990). While the logic of genocide may change over time, it is a longstanding phenomenon.

Victims, genocidaires and contexts

Victims

Legal and extra-legal definitions of genocide identify specific social collectives as victims of genocide. There are two key ways in which the questions of victimhood might be examined. Firstly, features which make genocidal victimization of a group more or less likely. Secondly, within a group, characteristics likely to lead to particular sub-groups being victimized. It stands to reason that a victim group must be identifiable to its perpetrators (Kuper 1981, 53). This may involve visual cues such as skin color (e.g. Darfur), cultural cues such as names (e.g. Bosnia and Herzegovina), official identification (e.g. Rwanda) or other forms of

differentiation. Differentiation may be encouraged by state practices. The separation of German Jews from the rest of the population was achieved through law (Garner 1936, 96), ultimately undermining their social relations with other Germans (Stowell 1936, 103). This contributed to the exclusion of victims from a “universe of obligation” making their unopposed victimization more likely (Fein 1990, 34). Rafter and Walklate identify group features pertinent to victimization: the lack of the protection afforded by national statehood, lower legal protections through different forms of citizenship, and attempts to secure some form of autonomy.

Within the target group, Article 2 acts of genocide may be directed at sub-groups in different ways. Jones writes on the risk to non-combatant battle-age males originating in a heteronormativity which casts them as a danger (2006b, 452). MacKinnon identifies that women are “violated in ways men are not, or that are exceptional for men”, primarily through rape and sexual murder (1994, 6). She goes on to show how state-sponsored rape contributes to genocide (1994, 11). In *Akayesu*, the chamber included rape in its deliberations on genocide under the heading of causing serious bodily or mental harm (1998, paragraph 731):

These rapes resulted in physical and psychological destruction of Tutsi women, their families and their communities. Sexual violence was an integral part of the process of destruction, specifically targeting Tutsi women and specifically contributing to their destruction and to the destruction of the Tutsi group as a whole.

Perpetrators

As with victims it is possible to think of perpetrators at the level of the collective (for example the state, or a state-like body) and individual. Gerlach has suggested that the focus

on state-crime has been driven by a European model of totalitarian state-bureaucracy, diverting attention from the complexity of extremely violent societies and the breadth of participation (2006, 458-60, 465). The extent of participation is underscored by Drumbl (2000, 1252) suggesting that roughly one third of adult Hutu participated in the Rwandan genocide. Thus, analyses of genocide involve accounting for conformity, albeit within the context of a 'deviant normative order' (Maier-Katkin et al 2009, 237). Schabas criticizes current case law for focusing too much on individuals at the expense of understanding their action "on behalf of a state and in accordance with a state policy" (2008, 954). Between the state and the individual lie other structures playing a supporting role in genocides. For example, Huisman (2010) identifies 70 corporations involved in crimes under international law, including genocide, either directly or as contributors or beneficiaries. Equally, a number of studies of semi-autonomous "sub-alterns" suggest that groups pursuing their own agenda contribute to the overarching genocidal aims of states (See Weiss-Wendt and Üngör 2011 and Tanner and Mulone 2013. The role of intermediary organizations will be further explored under explanatory frameworks, below.

Contexts

The contexts in which genocide takes place bring together an empowered perpetrator and a vulnerable victim group in a suitable opportunity structure. Chalk and Jonassohn (1990) provide a historical survey of genocides dating back to antiquity, identifying various contexts including war and colonization. Modern genocides are often located in contexts of social and political instability. Elias (1998, 23) examines the structural change and attendant status uncertainty in Germany following the First World War. Bloxham points to unstable and contested border zones as key contexts of genocides and mass anti-civilian violence in the three generations preceding the Holocaust, and within the Holocaust notes the vulnerability

of populations in territory changing hands (2010, 320 and 323). Harff and Gurr's historical review suggests that the instability associated with decolonization is correlated with a spike in genocides and politicides in the period 1961-66 (1988, 367; see also Kuper 1981, 46). Many of the decolonizing territories were plural societies with enduring cleavages, exacerbated by colonial policy. Kuper identifies this as a structural base for genocide (1981, 54-7). Local contextual factors also need to be accounted for, as is evident from Korb's (2010) work on Ustaša violence in the Independent State of Croatia during the Second World War. Conversely the cases such as South Africa and Northern Ireland show apparently permissive factors such as cleavages, but without genocide (Kuper 1981, 191 ff.).

Explanatory frameworks

Explanatory frameworks for genocide address various questions: under what circumstances does genocide take place (Kuper 1981)? How do processes unfold in the short and long term (respectively Klusemann 2012 and Bloxham 2010)? How do seemingly 'ordinary' individuals come to participate in genocidal activity (Browning 2001)? Others treat genocide as an independent variable, asking how genocide impacts upon post-genocidal societies or exploring manifest and latent functions of genocide (Doubt 2000). Different disciplinary perspectives operate at a range of different levels. Political science tends to focus on the features of states in which genocide occurs (Rummel 1992), while psychological explanations focus on individual motivations (Wilson 2010) and the interactions of individual and context (Halsam and Reicher 2007). Recent work in history (Bloxham 2008) and criminology (Van Baar and Huisman 2012) has also sought to locate the individual in a social and political context, introducing mid-level phenomena such as groups and organizations into multi-level explanations of genocide. A further international level can be

factored into analyses. Each level of analysis will be discussed, before showing how they may be integrated.

State (macro-) level analyses

States with deep, longstanding cleavages are contextually conducive to genocide, but not all divided societies are genocidal and the nature of state power may be a further explanatory factor. Writing on state aggression, Durkheim linked this to an overly powerful unified state dominating civil society (1915. 30, 34). State power, unconstrained by democratic controls, is a common explanation of state involvement in genocide. Fein notes that genocidal states are most likely to be authoritarian, one party states (1999, 159). While no democratic state was directly involved in genocide from 1945 to 1988 (Fein 1999, 159), democratizing states may experience instability conducive to emerging genocidal regimes. In Bosnia and Herzegovina, free elections and multi-party rule the 1992-95 war. The process by which the Serb republic in Bosnia and Herzegovina was created and came to be dominated by one party shows the interplay of democracy and authoritarian legacies in processes running up to genocide.

The international environment

Karstedt underscores the importance of “connectivity within the international system and ‘world politics’” (2013, 386). Two key aspects of the international environment are directly relevant to the occurrence of genocide. Firstly, international relations that emphasize state sovereignty are more permissive of genocide within state borders. During the cold war, intervention was most likely when genocidal actions threatened to spill over borders (e.g. East Pakistan, Uganda). Secondly, international political economy plays a role. Verhoeven analyses Sudan’s shift from colonial to post-colonial agricultural exploitation in a globalizing

economy. This favors riverain elites and marginalizes Darfuri subsistence farmers disconnected from global markets, a factor in their vulnerability to victimization.

Individual (micro-) level analyses

A review of the literature on perpetrators shows variation in terms of level of participation and role, suggesting that some explanation utilizing individual characteristics is necessary (Hollows and Fritzson 2012: 459). Some studies pay close attention to a single perpetrator (e.g. Arendt 2006 on Eichmann; Wilson 2010 on Duch), trading off depth against generalization. Hollows and Fritzson adopt a larger convenience sample of 80 perpetrators tried in international courts (2012: 460). This sampling strategy is hostage to prosecutorial choices, but the ICTY has tried suspects from the front line, up through regional and organizational hierarchies to top leaders, providing a cross-section of offenders. They identify four models of functioning (adaptive, conservative, expressive and integrative) and find statistically significant relationships between these and the offending patterns of individuals (462-465). For example, the expressive model includes harassment, denigration and dehumanization and is associated with individuals with a 'poorly constructed emotional system', internal instability and a dysfunctional manner of communicating (465).

Organizational (meso-) level analyses and integrated frameworks

Integrated analyses recognize that states and organizations depend on individuals to execute specific tasks (Collins 2009, 17) and that individuals exist in, and interact with, contexts structured by states and intermediate organizations (Haslam and Reicher 2007, 620). Alvarez locates impetus, ideology and resources in the state; bureaucracies translate this into structured practices enacted by individuals (2001, 8). Other forms exist between state and individual. Van Baar and Huisman (2012) describe one firm involved in producing

ovens for use in Nazi death camps. Tanner and Mulone (2013) identify informal groupings in the grey area covering private security and paramilitarism. Studies like these allow comparison and go some way towards providing differentiation between different types of administrator and administration (Bloxxham 2010, 211).

The medical profession in Nazi Germany provides an example (Browning 1988; Haque et al 2012). Browning gives a detailed account of public health officials' support and rationalization of exterminatory policies in occupied Poland. This included concentrating Jews in overcrowded and insanitary ghettos with insufficient food, shooting Jews found outside the ghettos, and ultimately the mass murder of Jews in death camps. The enthusiastic participation of doctors is presented as a puzzle by Haque and colleagues. Around half of German physicians were "early joiners" of the party, a figure exceeding that of any other profession (2012, 473-4). Aside from the clash of values in a profession geared towards preserving life, Haque and colleagues observe that German Jews were prevalent in the medical profession, so it was likely that many of the non-Jewish German doctors would have trained and worked with Jewish colleagues (2012, 473). The authors propose a range of explanations that tie together individual characteristics, professional structures and state. Firstly, an authoritarian personality was common among doctors (2012, 474). Haslam and Reicher suggest that this may not be a product of the organizational environment, but that individuals with certain characteristics are more likely to enter particular situations (2007, 615). Nonetheless, Haslam and Reicher see that both person and situation are altered by the interplay. The strict rules of practice in medicine may strengthen tendencies towards conformity and authoritarianism (Haslam and Reicher 2007, 615; Haque et al 2012, 475).

In terms of the profession's position in society, Haque and colleagues note that, in a time of demoralization in the turbulent economic and political climate following Germany's defeat in war, the profession was overcrowded, and suffered relative economic decline and the after effects of wartime deprofessionalization. The Nazi party's penetration of state and profession offered a way to remove competitive colleagues and a path towards upward social mobility (Haque et al 2012, 476-77). In the *Generalgouvernement*, by 1941 these factors combined with anti-Semitic stereotypes and a mission to preserve the German people, justifying "any means" to prevent their endangerment (Browning 1988, 22, 26). Organizations and professions select their members, but specialists are drawn from a limited pool leading to compromises on ideological criteria. The Warsaw public health official Dr. Hagen was "politically unreliable" on account of his involvement in Weimar's leftist politics. Although he sought to counter the spread of disease within the ghetto, he did not oppose ghettoization and continued to believe into the 1970s that spotted fever was endemic among Jews (Browning 1988, 25). Hagen, once considered as a candidate to be imprisoned in a concentration camp, resigned on the grounds of conscience and took up a posting in Russia (Browning 1988, 30-31).

Historical and sociological studies show that any explanation of genocide needs to show multilevel processes over the short term (Kluseman 2012; Tanner and Mulone 2013) and the long term (Bloxxham 2010). In the short term concentration, starvation, and denial of hygiene and other public health measures created a self-fulfilling prophecy of disease among Jews. This threatened the spread of disease as those detained in the ghetto sought to escape their deaths. In turn, this boosted medical support and legitimation for radical responses, escalating from shooting Jews found outside the ghettos to killing them in huge

numbers. Against a background of ideological sympathy, the case of the medical profession is an example of the Nazi state using professional structures to do what they are best suited to, “the harnessing of different individual dispositions and ambitions to the achievement of common goals by the provision of various incentives” (Bloxham 2008, 204).

Prevention and reduction

States party to the 1948 *Genocide Convention* undertake to prevent and punish genocide (Article 1). Weighing the genocides in table 3 against the limited number of preventive interventions, the convention’s success is questionable. A number of reasons have been posited, including the lack of institutionalized coercive power to back up the law (Hagan and Levi 2005, 1500). Waxman notes a number of coercive interventions, with and without UN Security Council backing (2009, 8-9; contrast Haiti and Kosovo), but his cases include Bosnia, where the Srebrenica genocide followed UN intervention from the start of the conflict. Waxman’s interventions all follow the cold war, a period in which support for different client regimes and protection of regional interests blocked the consensus required for intervention (Sumner 1982, 2; Totten 2005, 6). This has lessened to some extent, but Waxman notes that veto holders with ideological objections to intervention in internal affairs, or interest-driven objections to particular interventions, still act obstruct UN Security Council consent for military intervention (2009, 12).

The punishment envisaged by the convention may serve preventive ends. This is the most common justification of International Criminal Law, even if supporting evidence is sketchy (Tallgren 2002, 565, 569). Tallgren cites deterrence as one preventive model, but also highlights the internalization of norms and integration into a system of common values. Deterrence may develop over time, inasmuch as classical features of deterrence theory are

attained by the institutions of international criminal justice. In the short term, the credible threat of prosecutions²² is unlikely to stop crimes in a context already deeply affected by hatred and violence (Akhavan 2001, 9), but from the 1990s international criminal law extended to include a permanent international criminal court, special courts combining international and domestic elements²³, domestic trials following regime change, and the use of universal jurisdiction over international crimes such as genocide. Rikhof identifies 13 European states exercising such jurisdiction to investigate or prosecute crimes from 19 countries (2009, 26-37). This takes place against a background of the thickening of institutions of global governance, and the growth of regional and international bodies monitoring, regulating or governing states (Cronin 2005, 315; Falk 2001, 118).

Final remarks

The chapter does not exhaustively cover the developing field of genocide studies. As it continues to develop, we can anticipate a wider range of mid-level studies, the greater possibility of comparative work, and, through journals such as *Holocaust and Genocide Studies*, the continued application of different disciplinary frameworks to describe, analyze and explain the phenomenon.

Cases

International Criminal Tribunal for Rwanda, *Prosecutor v Akayesu*, ICTR-96-4, 2 September 1998.

²² By the time of the genocidal massacre at Srebrenica in July 1995, the ICTY had been established (May 1993), had issued its first indictment (Dragan Nikolić, November 1994) and received its first arrestee (Duško Tadić, April 1995).

²³ Examples include the Special Court in Sierra Leone, the Cambodian Extraordinary Chambers and the State Court of Bosnia and Herzegovina.

International Criminal Tribunal for the former Yugoslavia, *Prosecutor v. Blagojević and Jokić*, IT-02-60 (17 January 2005).

International Criminal Tribunal for the former Yugoslavia, *Prosecutor v. Karadžić*, IT-95-5/18-AR98bis.1 (11 July 2013).

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International Criminal Tribunal for the former Yugoslavia, *Prosecutor v. Krstić*, IT-98-33-A (19 April 2004).

International Criminal Tribunal for the former Yugoslavia, *Prosecutor v. Popović and others*, IT-05-88 (10 June 2010).

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